

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TENNESSEE FARMERS MUTUAL)	
INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
KENNETH D. RAMIREZ, ROBIN S.)	
RAMIREZ, ACE GLASS REPAIR, INC.,)	
TIM W. SMITH PROPERTIES, LLC,)	
and GENERAL CASUALTY)	
COMPANY OF WISCONSIN,)	
)	
Defendants.)	
)	

NOTICE OF REMOVAL

COME NOW the Defendants, Ace Glass Repair, Inc. (hereinafter referred to as "Ace Glass") and Tim W. Smith Properties, LLC (hereinafter referred to as "Smith Properties"), by and through counsel, and pursuant to 28 USC §1441(a) and 28 USC §1446 remove the above-styled civil action from the Circuit Court of Dyer County, Tennessee, to the United States District Court for the Western District of Tennessee, Eastern Division, and in support of the same state as follows:

1. On or about May 7, 2010, Tennessee Farmers Mutual Insurance Company, a Tennessee corporation, filed the above referenced civil action in the Circuit Court of Dyer

County, Tennessee, wherein the Plaintiff seeks Declaratory Judgment¹ resolving a contract dispute over an insurance policy issued by the Plaintiff to Kenneth D. Ramirez and Robin S. Ramirez. Said action was assigned Case No. 10-CV-56.

4. Less than thirty (30) days have elapsed since this Complaint was filed in the Circuit Court of Dyer County, Tennessee, on May 7, 2010.

5. The Plaintiff, Tennessee Farmers Mutual Insurance Company, is a citizen of the State of Tennessee, a corporation incorporated under the laws of Tennessee with its principal place of business in Tennessee.

6. Defendants Ace Glass and Smith Properties are citizens of the State of Arkansas, incorporated under the laws of Arkansas with their respective principal places of business in Arkansas.

7. Defendant Kenneth D. Ramirez is a citizen of the State of Arkansas. Kenneth Ramirez is, and was at the time of the commencement of this civil action, incarcerated in the State of Arkansas; was a resident of the State of Arkansas immediately prior to his incarceration; and therefore is a resident of the State of Arkansas.

8. Defendant Robin S. Ramirez is a citizen of the State of Missouri. Robin S. Ramirez is, and was at the time of commencement of this civil action a resident of the State of Missouri.

9. Defendant General Casualty Company of Wisconsin is a corporation incorporated under the laws of Wisconsin with its principal place of business in Wisconsin.

¹ On June 3, 2010 the Plaintiff filed its First Amended Complaint for Declaratory Judgment, in which it appears the only change is the Plaintiff's correction of the name of Defendant General Casualty Company of Wisconsin.

10. Thus, there exists complete diversity of citizenship between the Plaintiff and the Defendants.

11. Furthermore, the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

12. The United States District Court for the Western District of Tennessee, Eastern Division, has original jurisdiction pursuant to 28 USC §1332, and the time for filing this Notice of Removal as prescribed in 28 USC §1446(b) has not expired.

13. All Defendants named in this action either join in the filing of this notice of removal or consent to the removal of this action to the United States District Court for the Western District of Tennessee, Eastern Division.

14. Pursuant to 28 USC §1446(a), Defendants file herewith copies of all process, pleadings and orders served upon the Defendants in this action.

15. Copies of this Notice of Removal have been filed with the Circuit Court of Dyer County, Tennessee, and served upon all counsel of record.

WHEREFORE, PREMISES CONSIDERED, Defendants Ace Glass Repair, Inc. and Tim W. Smith Properties, LLC respectfully petition this Court for the removal of the above-styled action from the Circuit Court of Dyer County, Tennessee, pursuant to 28 USC §1441(a) and 28 USC §1446; and for such other and further relief as may be just and proper.

Respectfully submitted,

LAW OFFICE OF
WENDELL L. HOSKINS II
404 Ward Avenue
Post Office Box 1115
Caruthersville, Missouri 63830
Phone: 573-333-2600
Fax: 573-333-2041
E-mail: hoskinslaw@semo.net

/s/ Wendell L. Hoskins II
WENDELL L. HOSKINS II
Tennessee Bar No. 17761
Attorney for Defendants,
Ace Glass Repair, Inc., and
Tim W. Smith Properties, LLC

OF COUNSEL:

HOSKINS & HARRIS, P.A.
218 West Court Street
Dyersburg, Tennessee 38024
Phone: 731-287-0877
Fax: 731-287-0874

CERTIFICATE OF SERVICE

I, WENDELL L. HOSKINS II, attorney for defendants Ace Glass Repair, Inc., and Tim W. Smith Properties, LLC in the above styled and numbered cause of action, do hereby certify that I have this day mailed, electronically and postage prepaid, a true and correct copy of the foregoing pleading to James A. Hamilton III, Esquire, Jones, Hamilton & Lay, P.L.C., P.O. Box 763, Dyersburg, Tennessee, 38025-0763; and Alicia Perrone, Esquire, General Casualty, One General Drive, Sun Prairie, Wisconsin 53596.

THIS, the 7th day of June, 2010.

/s/ Wendell L. Hoskins II
WENDELL L. HOSKINS II